

From: [Schaub, Mike](#)
To: [Firmin, Brigitte](#)
Cc: [Amy Trahan \(amy_trahan@fws.gov\)](#); [Hodges, Joe A](#); [Nelson, Russell](#); [Wooster, Richard](#)
Subject: eastern LMRAP DO consultation
Date: Tuesday, March 31, 2020 10:01:00 AM
Attachments: [BE eLMRAP DO Mar2020 for FWS review.pdf](#)

Hello Brigitte,

This email serves to initiate informal consultation under Section 7(a)(2) of the Endangered Species Act (ESA) with the U.S. Fish and Wildlife Service (USFWS) Louisiana Ecological Services Field Office (USFWS) regarding the Environmental Protection Agency's (EPA) pending action on Louisiana's adopted amendments to Title 33, Part IX, Chapter 11 of the Louisiana Surface Water Quality Standards, pursuant to Clean Water Act Section 303(c) and 40 CFR Part 131. The Environmental Protection Agency (EPA) Region 6 would like to request USFWS review of the enclosed biological evaluation (BE) for the referenced water quality standard provision. The EPA is submitting this request pursuant to the EPA-USFWS Memorandum of Agreement (MOA) for enhanced coordination and regulations at 50 CFR § 402.13.

The state of Louisiana has adopted revised water quality standards for dissolved oxygen (DO) in the eastern Lower Mississippi River Alluvial Plain (eLMRAP) ecoregion. The seasonal DO criterion adopted for waters in the eLMRAP ecoregion is 2.3mg/L for the months of March through November. The original DO criterion of 5.0mg/L for fresh waters and 4.0mg/L for estuarine waters remains in effect for the months of December through February. As indicated above, EPA has yet to determine whether these new and revised water quality standards are consistent with the Clean Water Act. The enclosed BE includes determinations for these proposed revisions to the state of Louisiana's standards.

The BE focuses on the listed species that have the potential to be affected by fluctuations in DO levels within the water column. These species include the Atlantic sturgeon (Gulf subspecies) (*Acipenser oxyrinchus desotoi*) and the Alabama (inflated) heelsplitter (*Potamilus inflatus*). The EPA has determined that, in the event it takes action to approve these revised standards, such an action may affect, but will not likely adversely affect, the aquatic species within the specific action area described in the enclosed BE.

In accordance with the MOA, EPA requests that the USFWS respond in writing within 30 days of receipt of this message, unless extended by mutual agreement, indicating whether the USFWS concurs or does not concur.

If the USFWS does not concur, EPA requests that a written explanation be provided which includes the species of concern, the perceived adverse effects, supporting information, and basic rationale.

If you have questions about this request or the enclosed BE, please feel free to email, or give me a call at (214) 675-4512.

Thanks!

Mike Schaub

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